

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 17-20, 22-26, 28-37, 39, 40, and 42-46 remain pending in the present application. Claims 17 and 39 are amended by the present amendment. No new matter has been added.¹

In the Office Action, Claims 17-19, 22-26, 28-37, and 43-46 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 17-20, 24-26, 28-37, 39, 40, and 42-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ho et al. (U.S. Patent No. 6,910,148 B1, hereinafter “the ‘148 patent”); and Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘148 patent.

Applicant has amended independent Claims 17 and 39 to recite a system including a processor. Thus, amended Claims 17 and 39 are not directed to software per se. Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 101.

Independent Claims 17 and 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the ‘148 patent. Amended Claim 17 recites a redundant routing system including a processor, the system including, in part,

- a first routing unit configured to manage input and output data;
- a second routing unit configured to manage input and output data;
- a network interface configured to connect said first and second routing units; and
- a standby bus interface configured to connect said first and second routing units to each other, wherein,
 - when said first routing unit is managing said input and output data, said second routing unit is configured to detect a failure of said first routing unit by monitoring both said

¹ The amendments to Claims 17 and 39 find support at least in the specification at the first and third paragraphs on page 1 and the first full paragraph on page 2.

network and standby bus interfaces using messages sent over both the network and the standby bus interfaces,

when said second routing unit detects a failure of said first routing unit, said second routing unit is configured to deactivate said first routing unit so that said first routing unit no longer manages said input and output data and said second routing unit is further configured to start managing said input and output data, . . . and

when said first routing unit detects a failure in itself, said first routing unit is configured to deactivate itself to cease managing said input and output data and to allow said second routing unit to start managing said input and output data.

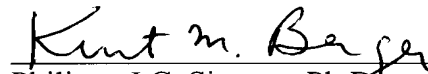
The '148 patent "relates to router and routing protocol redundancy."² Applicant notes that the '148 patent was filed on December 7, 2000. In contrast, the present application claims priority from French priority document 00 05517, which has a filing date of April 28, 2000. To perfect priority, Applicant files with this Amendment an accurate English translation of the French priority document and a statement signed by the translator regarding the accuracy of the filed English translation. Accordingly, Applicants' perfected priority date pre-dates the filing date of the '148 patent. Therefore, the '148 patent cannot properly be applied in a rejection under 35 U.S.C. § 102(e). Thus, Applicants respectfully submit that all outstanding rejections based on the '148 patent are moot.

² '148 patent, col. 1, ll. 9-10.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kurt M. Berger", is written over a horizontal line.

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